

July 26, 2018

**VIA ECFS**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
455 12th Street SW  
Washington, DC 20554

**Re: Wireline Infrastructure, WC Docket No. 17-84**

Dear Ms. Dortch,

NCTA – The Internet & Television Association (NCTA) submits this letter in response to the recent submissions by CenturyLink and AT&T.<sup>1</sup> CenturyLink proposes that the Commission exclude “strand-mounted antennas and other RF-emitting devices, batteries and power supplies” from the scope of overloading allowed under the Commission’s longstanding precedent. AT&T seeks to undermine such overloading with conditions – including suggestions that overlayers pay the pole owner to perform an engineering analysis<sup>2</sup> – that are exactly the type of quasi-pre-approval requirement that the Commission prohibits.<sup>3</sup> These requests, which would allow utilities to impede their competitors’ safe deployment of equipment on existing support strand (with no comparable delay in their own deployment), should be rejected because they are fundamentally inconsistent with the Commission’s efforts to eliminate unnecessary obstacles to the deployment of wireline and wireless networks.

As we have previously explained, cable operators have safely overlaid fiber and advanced electronics to their strand for decades, and in doing so, have been able to efficiently upgrade their communications services by going from analog to digital, adding competitive voice and broadband services, and upgrading associated electronics—without any additional material burden on the poles. In deploying analog equipment, cable operators spaced, respaced, and upgraded their strand-mounted amplifiers without incident. And in upgrading to digital

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<sup>1</sup> See Letter from Nicholas G. Alexander, Associate General Counsel, CenturyLink, Inc. to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 17-84 (filed July 23, 2018) (CenturyLink Letter); Letter from Frank Simone, AT&T, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 17-84 (filed July 23, 2018) (AT&T Letter).

<sup>2</sup> AT&T Letter at ¶ 4.

<sup>3</sup> *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Third Report and Order and Declaratory Ruling, FCC-CIRC1808-03 at ¶ 111 (rel. July 12, 2018) (*Draft Third Report and Order*) (“We also emphasize that utilities may not use advanced notice requirements to impose quasi-application or quasi-pre-approval requirements, such as required engineering studies.”).

networks, cable operators overlashed fiber and upgraded amplifiers to house optical nodes, also without incident.<sup>4</sup>

The *Draft Third Report and Order* recognizes this long history of safe and efficient technological advancement through overlashing, and promotes “faster, less expensive broadband deployment while addressing important safety concerns.”<sup>5</sup> Regarding CenturyLink’s and AT&T’s alleged safety concerns, the *Draft Third Report and Order* reiterates that overlashers “must ensure that they are complying with reasonable safety, reliability, and engineering practices,”<sup>6</sup> and that advance notice of overlashing is sufficient to address any such concerns.<sup>7</sup> Indeed, the draft appropriately states that the Commission is “unpersuaded...by arguments that utility pre-approval for overlashing is necessary to ensure safety.”<sup>8</sup>

CenturyLink and AT&T provide no justification for the Commission to depart from its longstanding policy and its thorough consideration of the safety of overlashing. Strand-mounted facilities such as those CenturyLink and AT&T would block have been deployed via overlashing for years. Likewise, overlashing has been done safely and efficiently for years without unnecessary engineering studies. It is against that backdrop that the Commission rightly weighed the value and safety of overlashing and proposed to codify the prohibition on prior approval requirements for overlashing, as well as a utility’s right to advance notice. As long as overlashers ensure that they are complying with reasonable safety, reliability, and engineering practices, there is no reason to limit the types of advanced facilities that may be overlashed to existing permitted attachments or require overlashers to pay pole owners for unnecessary engineering analysis.

Respectfully submitted,

**/s/ Steven F. Morris**

Steven F. Morris

cc: Jay Schwarz  
Erin McGrath  
Jamie Susskind  
Betsy McIntyre

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<sup>4</sup> See NCTA Comments at 5-6

<sup>5</sup> *Draft Third Report and Order*, at ¶ 107.

<sup>6</sup> *Id.* at ¶ 111.

<sup>7</sup> *Id.* at ¶ 109.

<sup>8</sup> *Id.*